

Prepared Statement by Senator Pat Roberts  
Washington, DC  
Senate Rules Committee  
“Examining the Filibuster V”  
September 22, 2010

Thank you, Mr. Chairman. Today marks the fifth hearing this committee has held on the filibuster, and I am told to expect a sixth hearing.

It is counterproductive to hold multiple hearings on filibusters – which is nothing more than the right to debate legislation – without understanding the wider context in which they occur. I am talking about the practice of filling the amendment tree. Mr. Chairman, it is time for this committee to hold a hearing specifically on that practice. It is appropriate in light of the multiple hearings we’ve had on measures that would curtail Minority rights without addressing clear abuses by the Majority.

This committee has examined multiple approaches to curtailing filibusters. Now, there is a proposal that threatens more than just minority rights, it threatens the very nature of the Senate. I am referring to the resolution introduced by the junior senator from New Mexico – a resolution that would declare Senate Rules unconstitutional. This, my colleagues, marks a new low.

There has been an incessant attempt on the part of some in the Majority to paint the minority as obstructionists and the Senate as a “broken” institution. What’s broken is not Senate Rules, but rather the attitude and approach to legislating by members of the Majority that is fundamentally at odds with atmosphere of comity and compromise that our Rules are intended to foster.

It is not the Minority that are obstructionists – it is the Majority. The Majority is obstructing the ability of the Minority, and the millions of Americans we represent, from having a voice in the legislative process. Parliamentary tactics like “Filling the Tree,” Rule 14, and “Ping-Pong” have been used on a scale never before seen in the history of this body to move legislation that is overwhelmingly unpopular with the American people, and at odds with the interests of our nation.

Nobody can predict what will happen in November, but for anyone who can read the tea leaves, it appears that the current Majority will be far slimmer in 2011. Rather than accept the will of the voters who are rejecting the policies enacted by the 111<sup>th</sup> Congress, the junior senator from New Mexico wants to abolish the Senate as we’ve understood it for over 200 years and remake it in the House’s image. Let me be clear: rather than doing the hard work of building a bipartisan consensus, this resolution is an attempt to re-write the rules to

favor a narrower majority.

If the junior Senator from New Mexico's interpretation of the Constitution and Senate Rules is accepted, what would prevent a slim majority of either party from re-writing the Rules of the Senate whenever it suits them? Such a practice would negate the whole point of having Rules at all. It would irrevocably damage the Senate as a continuing body – which the late Senator Robert C. Byrd eloquently reaffirmed last May in this Committee when he stated, “Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights.”

Those words remain true. What the junior senator from New Mexico is proposing is to make the Senate nearly identical to the House and neutralize the purpose of the Senate to act as a check on the House. Let me remind my colleagues: no majority lasts forever in American politics. The political pendulum always swings, but it is proposals like this that carry the danger of turning the pendulum into a guillotine.